

## REED &amp; EBERLE LLP

INTELLECTUAL PROPERTY LAW  
800 MENLO AVENUE, SUITE 210  
MENLO PARK, CALIFORNIA 94025  
(650) 330-0900 TELEPHONE  
(650) 330-0980 FACSIMILE  
WWW.REEDPATENT.COM

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## FACSIMILE TRANSMITTAL SHEET

TO: OFFICE OF INITIAL PATENT EXAMINATION'S FILING RECEIPT CORRECTIONS U.S. PATENT AND TRADEMARK OFFICE Alexandria, VA 22313	FACSIMILE No.: (703) 746-9195 TELEPHONE No.:
FROM: Shelley P. Eberle Reg. No. 31,411	FACSIMILE No.: (650) 330-0980 TELEPHONE No.: (650) 330-0900
DATE: April 1, 2004	PAGE 1 OF: 12
SUBJECT: In re Application of: Eric C. LUO et al. Serial No.: 10/675,603 Filed: September 29, 2003 Atty Dkt No.: 3200-0016.10	CONFIRMATION COPY TO FOLLOW: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Please see the attached Request for Corrected Filing Receipt, and all attachments.

**WARNING:** This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review, or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/675,603
		Filing Date	September 29, 2003
		First Named Inventor	Eric C. Luo
		Art Unit	1615
		Examiner Name	Unassigned
Mail Stop	Office of Initial Patent Examination's Filing Receipt Corrections	Attorney Docket Number	3200-0016.10

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Fee(s) due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check for \$* <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input type="checkbox"/> Return postcard <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Corrected Filing Receipt, copies of: the Official Filing Receipt w/the corrections indicated in handwriting; application transmittal as filed on 9/29/03; executed Declaration and Power of Attorney as filed on 9/29/03; the first page of the specification as filed on 9/29/03.	Remarks: The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 18-0580.
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name (print/type)	Shelley P. Eberle, Reg. No. 31,411 Reed & Eberle LLP	Telephone	(650) 330-0900
Signature	<i>Shelley Eberle</i>	Date	April 1, 2004

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to The Office of Initial Patent Examination's Filing Receipt Corrections of the USPTO at facsimile number (703) 746-9195 on the date shown below.			
Name (print/type)	Joe Clark	Date	April 2004
Signature	<i>Joe Clark</i>		

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification [Total Pages 36 + cover page]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) (Total Sheets \_\_\_\_\_)
5. ☐ Oath or Declaration [Total Pages 5]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Unexecuted
  - c. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

Attorney Docket No.

3200-0016.10

First Inventor

Eric C. Luo

Title

TRANSDERMAL AND TOPICAL  
ADMINISTRATION OF LOCAL  
ANESTHETIC AGENTS USING BASIC  
ENHANCERS

Express Mail Label No.

EV 327 533 196 US

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS/PTO-1449 Citations)
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Blanket Petition

10. a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Divisional of prior application No.: 10/176,265, filed June 19, 2002;  
which is a continuation-in-part of prior application No. 09/972,008, filed October 4, 2001;  
which is a continuation-in-part of prior application No. 09/738,410, filed December 14, 2000;  
which is a continuation-in-part of prior application No. 09/569,889, filed May 11, 2000;  
which is a continuation-in-part of prior application No. 09/465,098, filed December 16, 1999;  
and is a continuation-in-part of prior application No. 09/738,395, filed December 14, 2000;  
which is a continuation-in-part of prior application No. 09/607,892, filed June 30, 2000.

Prior application information: Examiner: Isis A.D. Ghali

Group / Art Unit: 1615

b. ☐ This application claims priority to Provisional Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number of Bar Code Label

23980

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Shelley P. Eberle				
Address	REED & EBERLE LLP 800 Menlo Avenue, Suite 210				
City	Menlo Park	State	CA	Zip Code	94025
Country	USA	Telephone	(650) 330-0900	Fax	(650) 330-0980
Name (Print/Type)	Shelley P. Eberle	Registration No. (Attorney/Agent)	31,411		
Signature	Shelley P. Eberle			Date	9/29/03

Atty Dkt No. 3200-0016.10  
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Eric C. LUO et al.

Confirmation No.: 6336

Serial No.: 10/675,603

Group Art Unit: 1615

Filing Date: September 29, 2003

Examiner: Unassigned

Title: TRANSDERMAL AND TOPICAL ADMINISTRATION OF LOCAL ANESTHETIC  
AGENTS USING BASIC ENHANCERS**REQUEST FOR CORRECTED FILING RECEIPT**Attention: Office of Initial Patent Examination's Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the Corrected Filing Receipt received from the Patent Office and mailed February 11, 2004, in the above-identified application for which issuance of a corrected filing receipt is respectfully requested. The corrections requested are indicated on the attached copy.

Please correct the Domestic Priority data as claimed by applicant to read:

--The application is a DIV of 10/176,265 06/19/2002 PAT 6,673,363  
which is a CIP of 09/972,008 10/04/2001 PAT 6,582,724  
which is a CIP of 09/738,410 12/14/2000 PAT 6,586,000  
which is a CIP of 09/569,889 05/11/2000 ABN  
which is a CIP of 09/465,098 12/16/1999 ABN  
and is a CIP of 09/738,395 12/14/2000 PENDING  
which is a CIP of 09/607,892 06/30/2000 ABN--.

This correction to the Corrected Filing Receipt is requested since the Domestic Priority data as claimed by applicant is not correctly entered, as previously requested. The complete data is indicated on the following documents, copies of which are attached for reference, as filed on September 29, 2003:

- a. Application Transmittal;
- b. the executed Declaration (see page 3); and
- c. the first page of the specification (see ¶0001).

Atty Dkt No. 3200-0016.10  
Serial No. 10/675,603

The Commissioner is hereby authorized to charge any fees under 37 CFR §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-0580.

Respectfully submitted,

By: Shelley Eberle  
Shelley P. Eberle  
Registration No. 31,411

REED & EBERLE LLP  
800 Menlo Avenue, Suite 210  
Menlo Park, California 94025  
(650) 330-0900 Telephone  
(650) 330-0980 Facsimile

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: P. MAILBOX FOR PATENTS  
P.O. Box 195  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/675,603	09/29/2003	1615	573	3200-0016.10		42	2

CONFIRMATION NO. 6336

23980  
REED & EBERLE LLP  
800 MENLO AVENUE, SUITE 210  
MENLO PARK, CA 94025

RECEIVED

FEB 24 2004

CORRECTED FILING RECEIPT



\*OC000000011756858\*

REED &amp; EBERLE LLP

Date Mailed: 02/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Eric C. Luo, Plano, TX;  
Nicole T. Gricenko, San Diego, CA;  
Tsung-Min Hsu, San Diego, CA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 10/176,265 06/19/2002 PAT 6,673,363  
which is a CIP of 09/972,008 10/04/2001 PAT 6,582,724  
which is a CIP of 09/738,410 12/14/2000 PAT 6,586,000  
which is a CIP of 09/569,889 05/11/2000 ABN  
which is a CIP of 09/465,098 12/16/1999 ABN  
→ and said 09/738,410 12/14/2000  
is a CIP of 09/738,395 12/14/2000  
which is a CIP of 09/607,892 06/30/2000 ABN

## Foreign Applications

If Required, Foreign Filing License Granted: 12/18/2003

Projected Publication Date: 05/06/2004

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Transdermal and topical administration of local anesthetic agents using basic enhancers

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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